IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 316 OF 2006
IN
COMPANY PETITION NO. 539 OF 2003

M/s Freburz Pharmaceuticals ...Appellant

versus

M/s Kopran Pharmaceuticals Limited ....Respondent

Mr. Virag Tulzapurkar with Ms N K Minocherhomji for the appellant.

Mr.K.R.Shroff with Mr Vivek Bhabhade instructed by Apte & Co for respondent

CORAM: KSHITIJ R. VYAS, C.J., &
ABHAY S. OKA,J.

DATE: JUNE 19, 2006.

P.C.

The appellant has challenged the order dated 9th December, 2004 passed in Company Petition No.539 of 2003. The learned Company Judge was of the opinion that the rate of labour charges is a matter which requires consideration and determination between the parties in an appropriate proceedings. Hence the learned Company Judge has dismissed the petition by holding that the company petition for winding up is not maintainable in view of serious disputes raised by the respondent. Having heard the learned counsel for the parties,

we are of the view that no interference is called for in the matter. In our view the learned Company Judge has rightly observed that the rate of labour charges is in dispute which cannot be decided in company petition. We, therefore, find no merit in this appeal and the same is dismissed.

CHIEF JUSTICE

ABHAY S. OKA, J.